

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2003-009276-002 DT

11/16/2005

HON. RONALD S. REINSTEIN

CLERK OF THE COURT  
M.L. Harris  
Deputy

FILED: 11/22/2005

STATE OF ARIZONA

MANUEL DESI RUBALCABA

v.

VINCENT JAMES PASSAFIUME (002)

ULISES FERRAGUT

APO-CCC

MINUTE ENTRY

The Court has considered Defendant's Request for Court Intervention and Modification of Probation terms. The State is not filing a response. The Court has contacted Defendant's Probation Officer, John Bishop, as to Defendant's request. Mr. Bishop has not reviewed the request as he has been and still is on vacation.

As to the upcoming Thanksgiving holiday,

IT IS ORDERED granting Defendant's Request to travel to Las Vegas to visit his fiancé and child. As to the Christmas holiday, the Court does not object to Defendant traveling to Las Vegas again to celebrate Christmas, however, and he may do so at the Probation Officer's direction. Defendant evidently still has not provided documentation as to his legal address in Nevada and the probation officer has received conflicting information from Defendant, his fiancé and his family in Arizona. Defendant at times has mentioned that his legal residence is Arizona. Until such time as Defendant provides that documentation as well as documentation as to his financial matters, monthly permits are at the Probation Officer's direction, Defendant shall continue to provide advance notice in writing of any travel dates, location and contact information to his probation officer.

Unless there is some bar under the Inter-State Compact to providing a rejected applicant information as to the reasons for denial of participation in the Interstate Compact program, Defendant should be given access to those documents. That way he can decide whether any discrepancies exist.

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As to Defendant's request for Court permission to sell the rights to a manuscript he wrote, the Probation Officer indicates that he has information the book is already for sale on the market and that Defendant has sent direct mail ads for him to be a consultant. One of Defendant's terms of probation is that he shall report any financial encumbrances or contracts to his probation officer. The Probation Officer states he hasn't done that. Defendant is seeking permission of the court to sell something his Probation Officer believes has already been marketed.

Based on all the above,

IT IS ORDERED denying Defendant's request to suspend the employment requirement of Term 11 of his probation terms. The authorship and sale of such manuscript does not satisfy Term 11.

The Probation Officer has also noted to the Court that Defendant moved his residence in Arizona without notice to his probation officer. He also indicates that Defendant has taken much more of his time than any other probationer on his caseload because of his lack of candor, failure to provide documentation as requested and seeming evasiveness. Counsel should inform his client of the importance of giving full disclosure under the White Collar terms to his probation officer.